

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

OCT - 6 2014

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THOMAS G BRUTON

CLERK, U S DISTRICT COURT

UNITED STATES OF AMERICA

v.

CASE NUMBER:

Magistrate Judge SUSAN E. COX

MOHAMMED HAMZAH KHAN

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## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about October 4, 2014, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant(s) violated:

*Code Section*

Title 18, United States Code, Section  
2339B(a)(1)

*Offense Description*

knowingly attempting to provide material support and resources, namely, personnel, to a foreign terrorist organization, namely, the Islamic State of Iraq and the Levant, knowing that the organization was a designated terrorist organization and that organization had engaged in and was engaging in terrorist activity and terrorism.

This criminal complaint is based upon these facts:


X Continued on the attached sheet.

  
DANA C. MCNEAL

Special Agent, Federal Bureau of Investigation  
(FBI)

Sworn to before me and signed in my presence.

Date: October 6, 2014

  
Judge's signature

City and state: Chicago, Illinois

SUSAN E. COX, U.S. Magistrate Judge  
Printed name and Title

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

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**AFFIDAVIT**

I, DANA C. MCNEAL, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since approximately October 2002. My current responsibilities include the investigation of violations relating to international terrorism, including the provision and attempted provision of material support or resources to foreign terrorist organizations, in violation of Title 18, United States Code, Section 2339B(a)(1).

2. This affidavit is submitted in support of a criminal complaint alleging that MOHAMMED HAMZAH KHAN has violated Title 18, United States Code, Section 2339B(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging KHAN with knowingly attempting to provide material support and resources, namely, personnel (to wit, himself), to a foreign terrorist organization, namely, the Islamic State of Iraq and the Levant, knowing that the organization was a designated terrorist organization and that organization had engaged in and was engaging in terrorist activity and terrorism, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information from other law enforcement personnel and from persons with knowledge regarding relevant facts, and on my training and experience, which includes receiving information from other law enforcement personnel and sources of information regarding relevant facts.

4. This affidavit includes summaries and quotations of certain documents that were obtained by law enforcement. Some of these documents included writings in Arabic and English. While translators have attempted to translate the writings accurately, to the extent that quotations are included, they are preliminary, not final translations. In addition, the bracketed words and phrases that have been inserted into the communications provide my understanding of such communications based on my training and experience, and the context of the communications.

***MOHAMMED HAMZAH KHAN***

5. According to his United States passport, which was issued on or about May 2, 2014, KHAN is a nineteen year-old United States citizen who resides at Residence 1. According to U.S. State Department records, KHAN's passport application listed Individual A as KHAN's father and Residence 1 as KHAN's address.

6. According to Individuals A and B, they are the parents of KHAN and other siblings, all of whom live at Residence 1. Also during interviews of Individuals A and B, they referred to KHAN by his middle name.

*The Islamic State of Iraq and the Levant*

7. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq, then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224.

8. On or about May 15, 2014, the Secretary of State amended the designation of al-Qaeda in Iraq as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant ("ISIL") as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al-Sham, the Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production.

9. Based on my training and experience, I know that: (a) Sunni extremists, who are not citizens or residents of Syria and Iraq, are traveling to Syria and Iraq to join ISIL and commonly enter Syria by crossing the border from Turkey; (b) foreign fighters from Western countries are traveling to locations in Turkey, including Istanbul, and then traveling to towns closer to the border where they are brought into Syria to join ISIL; (c) Abu Bakr al-Baghdadi is the current leader of ISIL; (d) ISIL is also frequently referred to as "ISIS" (an acronym for the

Islamic State of Iraq and al-Sham or the Islamic State of Iraq and Syria); and  
(e) the following flag is affiliated with ISIL:



*KHAN's Attempt to Travel Overseas*

10. According to information received from Austrian Airlines, on or about September 26, 2014, roundtrip tickets were purchased for KHAN to: (a) travel on October 4, 2014, in the afternoon, from Chicago O'Hare International Airport to Vienna, Austria, and from Vienna, Austria, to Istanbul, Turkey, arriving on October 5, 2014;<sup>1</sup> and (b) travel on October 8, 2014, from Istanbul, Turkey, to Zurich, Switzerland, and from Zurich, Switzerland, to Chicago O'Hare International Airport, arriving on October 9, 2014.

11. On or about October 4, 2014, in the afternoon, KHAN was observed by law enforcement agents passing through the security screening checkpoint within the international terminal at Chicago O'Hare International Airport. Subsequently, law enforcement agents came into contact with KHAN, who possessed Austrian Airline tickets for travel that day from Chicago to Vienna, and tickets for travel from Vienna to Istanbul on October 5, 2014. Further information concerning this encounter is described below.

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<sup>1</sup> As noted above, Turkey is a common transit point for foreign fighters from the United States and other western countries to travel to Syria to join ISIL.

### *The Search of KHAN's Home*

12. On or about October 4, 2014, while KHAN was at the airport, law enforcement agents executed a search warrant at Residence 1. During the search, agents recovered multiple handwritten documents that appeared to be drafted by KHAN and/or other persons, and which expressed support for ISIL. The following are descriptions of just some of the items agents seized from Residence 1.

13. In what appeared to be a common room, agents recovered a handwritten notebook, which includes the following:

a. A page that contains the word "Purchased" with the following steps listed below: "(1) \$4,000.00 ticket to Istanbul Cred," "(2) supplies via credit card," "(3) cash for hotel in Istanbul \$(70)," "(4) bus ride to Esekir (\$)," "(5) Esekir → Koya → Adana,"<sup>2</sup> "(6) get in touch with" a list of four individuals, including Individual C,<sup>3</sup> "(7) Most likely go to Urfa."<sup>4</sup> Above this list was a drawing of what appeared to be the United States and Turkey. That drawing included an arrow from the United States to northwest Turkey, two arrows across Turkey, and one arrow pointing across what appeared to be the border of Turkey and Syria or Iraq. Also on this page were the following words (in Arabic): "Al-Raqqah Province. In the Islamic

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<sup>2</sup> Based on my training and experience, the context of this writing, and my knowledge of the investigation, I believe these are references to the Turkish cities of Eskisehir, Konya, and Adana.

<sup>3</sup> Two of the four names were written in Arabic.

<sup>4</sup> I believe this to be a reference to a city in southeastern Turkey which is near the Syrian border.

State in Iraq and Levant. Abu-'Ikasha Al-Amriki. For the Islamic State in Iraq and Levant."

b. A page with a drawing and the following words (in Arabic): "The Commander of the Ranks under Abu-Bakir Al-Baghdadi, Abu-Mariyah Al-Hariri, the Commander of the Ranks."

c. A page that included the following words (in Arabic): "Islamic State in Iraq and Levant. Here to stay. We are the lions of the war [unintelligible]. My nation, the dawn has emerged."

d. A page with drawings that appeared to depict the ISIL flag and that of another designated foreign terrorist organization.

e. One page in the notebook had a drawing of what appeared to be an armed fighter with an ISIL flag behind him. Above and below these drawings were the words in Arabic: "Come to Jihad."<sup>5</sup>

f. Different pages containing the handwritten names of "Hamza Khan" and that of another person.

14. In what appeared to be a living room, agents recovered a calendar book with various handwritten notations, including a drawing of what appeared to be the ISIL flag and written references (in Arabic) to "the Islamic State of Iraq and the

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<sup>5</sup> "Jihad" is an Arabic term meaning "struggle," referring to one's struggle on behalf of Islam. In this context, I understand this to be a reference to a violent form of jihad.

Levant,” “Abu Bakir Al-Baghdadi,” and Individual C, as well as killing a “Nusayri [Alawite].”<sup>6</sup>

15. In a bedroom identified by KHAN’s parents as belonging to KHAN and a sibling agents recovered, among other things, a handwritten, 3-page letter, which appears to have been written by KHAN and left for his parents to explain his October 4, 2014 travel. In summary, in the letter, which is signed “Your loving son, Hamza [KHAN’s middle name],” KHAN advised his parents that: (i) they should not contact the “authorities” about his trip (“FIRST and FOREMOST, PLEASE MAKE SURE TO NOT TELL THE AUTHORITIES For if this were to happen it will jeopardize not only the safety of us but our family as well.”); (ii) he was on his way to Syria (“My dear parents, there are a number of reasons I will be going to the blessed land of Shaam,<sup>7</sup> and leaving my home.”); (iii) there is an obligation to “migrate” to the “Islamic state [ISIL controlled territory]” now that it has “been established;” (iv) he was upset that, as an adult, he was obligated to pay taxes that would be used to kill his “Muslim brothers and sisters”; (v) he was upset with the decline of western societies (“We are all witness that the western societies are getting more immoral day by day. I do not want my kids being exposed to filth like this . . . .”); and (vi) “I extend an invitation, to my family, to join me in the Islamic State.”

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<sup>6</sup> I know that Alawites are a part of Shia Islam and that ISIL is a Sunni Islamic terrorist organization. Based on my training and experience, I know Sunni Islamic terrorists, like ISIL, support the eradication of Shia Islam.

<sup>7</sup> Sham is a frequent alternative name for Syria.



16. During the execution of the search warrant, Individual A consented in writing to a search of a vehicle owned by him. According to Individual A, he gave KHAN a key to the vehicle and allowed KHAN to drive it to work and school. Individual A brought agents to the vehicle, opened the door to the vehicle for them, and the vehicle was then searched. Among other items, agents found in the vehicle a spiral-bound notebook containing the following words and symbols:

- a. The name of KHAN;
- b. Islamic State in Iraq and the Levant (in Arabic);
- c. Al-Qaeda in the Levant (in Arabic);
- d. The Syrian Resistance (in Arabic); and
- e. The ISIL flag and the flag of another designated foreign terrorist organization.

***Information Provided by KHAN***

17. On or about October 4, 2014, at approximately 2:28 pm, KHAN was approached and interviewed by Customs and Border Protection (“CBP”) officers in the area of international departure gates M14 and M15 at the airport. During the interview, KHAN told CBP officers, among other things, that he did not have any family in Istanbul and that he planned to stay at a hotel in Istanbul for two or three days, with a return flight on Thursday. KHAN thereafter was interviewed by FBI agents at another location within the airport. That interview lasted approximately three hours. At the conclusion of the interview, law enforcement escorted KHAN back to the international terminal.

18. Later in the evening, KHAN was placed under arrest. Thereafter, he was interviewed by different FBI agents at the airport. According to agents who conducted the interview, KHAN was provided *Miranda* warnings, which KHAN agreed to waive verbally and in writing. During the interview, KHAN advised that Individual C, whom he had met online, had provided him the phone number of a person KHAN was to contact once KHAN arrived in Istanbul. This contact was to take KHAN to where ISIS was. When asked where that was, KHAN said the area in Syria and Iraq. KHAN also said he planned on remaining there permanently and that he knew that he would be arrested if he returned to the United States. When asked what he was going to do there, KHAN advised that he expected to be involved in some type of public service, a police force, humanitarian work, or a combat role.

### Conclusion

19. Based on the above information, I respectfully submit that there is probable cause that MOHAMMED HAMZAH KHAN has violated Title 18, United States Code, Section 2339B(a)(1).

FURTHER AFFIANT SAYETH NOT.



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DANA C. MCNEAL  
Special Agent, FBI

SUBSCRIBED AND SWORN to before me on October 6, 2014.



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SUSAN E. COX  
United States Magistrate Judge